IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**HON'BLE SRI DEVINDER GUPTA,**

**CHIEF JUSTICE**

**and**
**HON'BLE SRI JUSTICE B.SESHASAYANA REDDY**

**WRIT APPEAL NO : 434 of 2005**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/11/2004 in WP NO : 19175 OF 2003 on the file of the High Court.)

Between:

1 Perka Mallaiah S/o late Durgaiah
R/o Rangampalli Vilalge, Peddapalli Mandal, karimnagar district
2 Perka Shankaraiah S/o Late Durgaiah
R/o Rangampalli Vilalge, Peddapalli Mandal, karimnagar district
3 Perk Devaiah S/o late. Durgaiah
R/o Rangampalli Vilalge, Peddapalli Mandal, karimnagar district
4 Perka Madunaiah S/o late. Durgaiah
R/o Rangampalli Vilalge, Peddapalli Mandal, karimnagar district
5 Perka Ramaiah S/o late. Durgaiah
R/o Rangampalli Vilalge, Peddapalli Mandal, karimnagar district

**..... APPELLANTS**

AND

1 The State of Andhra Pradesh, through its Principal Secretary (Revenue), Secretariat, Hyderabad

2 Chirra Ramalinga Reddy S/o Ram Reddy
R/o Rangampalli Village Peddapalli Mandal Karimnagar District

3 Chirra Jagan Mohan Reddy S/o Late Ram Reddy
R/o Rangampalli Village Peddapalli Mandal Karimnagar District

4 Nadivedi Laxmirajam S/o Venkatapathi
R/o Rangampalli Village Peddapalli Mandal Karimnagar District

5 Vaida Mallaiah S/o Venkat
R/o Rangampalli Village Peddapalli Mandal Karimnagar District

6 The Joint Collector, Krimnagar, Karimnagar District

( R6 is impleaded as per Court order dated 15.03.2005 in WAMP.No.592 of 2005 )

**.....RESPONDENTS**

**Counsel for the Appellants : MR.G.MADHUSUDHAN REDDY**

**Counsel for the Respondent Nos.1 and 6: GP FOR REVENUE**

**Counsel for the respondent Nos. 2 to 5: MR. V.RAMACHANDER RAO.**

**The Court made the following :**

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## ORAL JUDGMENT:

**( per Hon'ble The Chief Justice )**

**…..**

1. Appeal is against the order passed by learned single Judge dismissing the writ petition of the appellants on 17.11.2004. In the writ petition, the writ petitioners – appellants questioned the legality and validity of the order passed by the Joint Collector-cum-Additional District Magistrate, Karimnagar, dated 19.05.2003 in Appeal No.F1/50/2000 which order in turn has affirmed the order passed by the Revenue Divisional Officer, Peddapalli, in file No.B/3112/98, dated 03.11.2000.

2. Inter alia one of the grounds on which challenge was made to the order passed by the Joint Collector-cum-Additional District Magistrate was that the same officer who was Revenue Divisional Officer, Peddapalli, has decided the case on 03.11.2000, which was in appeal before the Joint Collector who took up the appeal for consideration and decided the mater. This objection was raised before the learned single Judge. Learned single Judge instead of setting aside the order of the Joint Collector with direction to decide the appeal afresh by a person other than Sri M.Surender Raj, proceeded to deal

with the same on merits and dismissed the writ petition, which, in our view, is not an appropriate course and ought not to have been adopted in the instant case.

3. Sri M.Surender Raj was the Revenue Divisional Officer who decided initially the case on 03.11.2000. Appeal was against the said order before the Joint Collector. Incidentally Sri M.Surender Raj, who was holding full additional charge of Additional District Magistrate, Karimnagar, on 19.05.2003, has decided the case. Thus the same Presiding Officer, who decided the case as initial authority, has decided the appeal against the initial order, thereby violating the very fundamental principles of natural justice rendering the order dated 19.05.2003 nullity and learned single Judge ought to have set aside the said order. In that view of the matter, we allow the appeal, set aside the order of the learned single Judge and thereby allow the writ petition and proceed to set aside the order of the Joint Collector dated 19.05.2003 with direction to Joint Collector to decide the matter in accordance with law.

4. We are informed that Sri M.Surender Raj is not the Joint Collector now at Karimnagar. The Joint Collector now will proceed to hear and decide the same uninfluenced by the observations made by the learned single Judge in

the writ petition. No costs.

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**DEVINDER GUPTA. C.J.,**

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**B. SESHASAYANA REDDY. J.,**

**Dated: 15.03.2005.**

**VRK.**

To

1 The Principal Secretary to Govt., Revenue Dept.,
Secretariat, Hyderabad
2. The Joint Collector, Krimnagar, Karimnagar District

3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.

*Form-NIC-OGS/WA {**TRT**}*

**HON'BLE SRI DEVINDER GUPTA,**

**CHIEF JUSTICE**

**AND**

**HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.**

**W.A.NO. 434 OF 2005.**

**( Judgment of the Bench delivered by**

**Hon'ble The Chief Justice )**

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**Dt: 15.03.2005.**

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